

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: March 14, 2011

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Old Elliston Fire Station
2. Old Blacksburg Middle School Site

(1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Adjustment and Appeals Board
2. NRV Development Corporation
3. Parks & Recreation Commission
4. Towing Advisory Board

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. PUBLIC HEARINGS

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on February 27, March 6, and March 13, 2011:

1. Joint Public Hearing with the Virginia Department of Transportation Six -Year Plan on the Secondary System of State Highways
The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2011/12 through 2016/17 in Montgomery County, and on the Secondary System Construction Budget for Fiscal Year 2011/12. All projects in the Secondary Six-Year Plan that are eligible for federal funds will be

included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate federal transportation funds. **Rural Addition** requests will also be taken at this public hearing.

See TAB **A** for a copy of the Draft Secondary Six-Year Plan as recommended by VDOT. TAB **A** also includes a copy of the approved Secondary Six-Year Plan from last year.

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on March 1 and March 8, 2011:

2. An Ordinance vacating the Fifty (50) Foot Easement For Ingress, Egress and Public Utility Easement - Brush Mountain Estates

An Ordinance vacating the Fifty (50) Foot Easement For Ingress, Egress and Public Utility Easement measuring approximately 1300 feet in length located on the property of Robert L. and Geneva T. Davis identified as Tax Parcels 27-A-63 and 27-A-60 and adjoining the property of John S. and Virginia C. Radford, Tax parcel 27-A-36, Kelly L. Burdette, Tax Parcel 27-A-61, and Brush Mountain Estates LLC, Tax Map Parcel 27-A-40, shown more particularly on the Plat entitled "COMPILED PLAT OF BOUNDARY LINE REVISION AND PRIVATE 50' EASEMENT FOR INGRESS AND EGRESS BETWEEN ROBERT L. & GENEVA T. DAVIS AND BRUSH MOUNTAIN ESTATES, LLC, PRICES FORK MAGISTERIAL DISTRICT MONTGOMERY COUNTY, VIRGINIA" dated 11/04/2010. The Fifty (50) Foot Easement for Ingress, Egress and Public Utility Easement was dedicated by plat recorded in Plat Book 27 Page 88 in the Montgomery County Circuit Court Clerk's Office.

See TAB **B.**

VIII. PUBLIC ADDRESS

IX. INTO WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Old Blacksburg Middle School Master Plan
2. FY 12 Budget

X. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

XI. ADDENDUM

XII. CONSENT AGENDA

XIII. OLD BUSINESS

**A. SUBJECT: RESOLUTION ESTABLISHING AN
ADVERTISED REAL ESTATE TAX RATE
AND PROPOSED FY 2011-2012 BUDGET**

**R-FY-11-
RESOLUTION ESTABLISHING AN
ADVERTISED REAL ESTATE TAX RATE
AND PROPOSED FY 2011-2012 BUDGET**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the County Administrator to advertise a proposed Real Estate tax rate of 77 cents per \$100 of assessed valuation of real estate based on 100% of fair market value.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby authorizes the County Administrator to advertise the proposed Fiscal Year 2011-2012 Budget in the amount of \$156,262,561.

ISSUE/PURPOSE: To establish an advertised tax rate and advertise the proposed budget.

JUSTIFICATION: At the March 7, 2011 Board meeting, the above resolution was presented to the Board of Supervisors for consideration. The vote on the resolution ended in a tied vote. According to the Board of Supervisors Rules of Order the resolution is to be presented to the Board again for consideration at its next meeting.

Rule 6 In any case in which there shall be a *tie vote* of the Board upon any question when all of the members are not present, that question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there shall be a tie vote upon any question after complying with this procedure, that tie vote shall defeat the motion, resolution or issue voted upon.

**B. SUBJECT: RESOLUTION ESTABLISHING AN
ADVERTISED REAL ESTATE TAX RATE
AND PROPOSED FY 2011-2011 BUDGET**

**R-FY-11-
RESOLUTION ESTABLISHING AN
ADVERTISED REAL ESTATE TAX RATE
AND PROPOSED FY 2011-2012 BUDGET**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the County Administrator to advertise a proposed Real Estate tax rate of 76 cents per \$100 of assessed valuation of real estate based on 100% of fair market value.

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby authorizes the County Administrator to advertise the proposed Fiscal Year 2011-2012 Budget in the amount of \$155,562,561.

ISSUE/PURPOSE: To establish an advertised tax rate and advertise the proposed budget.

JUSTIFICATION: At the March 7, 2011 Board meeting, the above resolution was presented to the Board of Supervisors for consideration. The vote on the resolution ended in a tied vote. According to the Board of Supervisors Rules of Order the resolution is to be presented to the Board again for consideration at its next meeting.

Rule 6 In any case in which there shall be a *tie vote* of the Board upon any question when all of the members are not present, that question shall be passed by until the next meeting when it shall again be voted upon even though all members are not

present. In any case in which there shall be a tie vote upon any question after complying with this procedure, that tie vote shall defeat the motion, resolution or issue voted upon.

**C. SUBJECT: ORDINANCE AMENDING CHAPTER 8,
SUBDIVISION ORDINANCE**

**ORD-FY-11-
An Ordinance amending Article IV, Chapter 8, Entitled Subdivision
of the Code of the County of Montgomery, Virginia,
Sections 8-111, 8-136, 8-137, 8-150,8-152, 8-153, 8-171, 8-173, 8-174 and 8-201**

SEE TAB H FOR A COPY OF THE ORDINANCE

ISSUE/PURPOSE: To amend the County's Subdivision Ordinance.

XIV. NEW BUSINESS

**A. SUBJECT: AMEND BUDGET CALENDAR TO CHANGE
PUBLIC HEARING DATE FOR
ADVERTISED REAL ESTATE TAX RATE
AND PROPOSED FY 2012 BUDGET**

**R-FY-11-
AMEND BUDGET CALENDAR
TO CHANGE PUBLIC HEARING DATE
FOR ADVERTISED REAL ESTATE TAX RATE AND
PROPOSED FY 12 BUDGET**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby amends their Budget Calendar for FY 2012 by changing the date of the Public Hearing on the advertised real estate tax rate and proposed budget from March 24, 2011 to _____.

ISSUE/PURPOSE: Amend Budget Calendar and change the public hearing date on the advertised real estate tax rate and proposed FY 12 Budget.

**B. SUBJECT: RESOLUTION OF COMMEMORATION
KAREN CRONIN**

**R-FY-11-
RESOLUTION OF COMMEMORATION
KAREN CRONIN**

WHEREAS, The recent death of *Karen Cronin* has touched and saddened all those who knew and loved her; and

WHEREAS, *Karen Cronin* enjoyed a successful 22-year career at Virginia Tech, retiring in 2003 as senior producer for university relations; and

WHEREAS, Since her retirement in 2003 she has served as a volunteer on numerous organizations, including the Social Services Board, the United Way of Montgomery County, Floyd and Radford, the League of Women Voters, the Mountain Valley Charitable Foundation; and

WHEREAS, *Karen Cronin* was devoted to the betterment of her community in eastern Montgomery County; she was a founding member of the EastMont Garden Club, EastMont Arts Association, the EastMont Tomato Festival Committee; she volunteered as a craft teacher at Meadowbrook Public Library and Community Center; and

WHEREAS, In honor of her volunteer service in 2009, *Karen Cronin* was inducted into the inaugural class of “Leading Lights: Neighbors Helping Neighbors”, a community service award for the New River Valley; and

WHEREAS, *Karen Cronin* will be greatly missed and lovingly remembered by those who knew her.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby express its deepest condolences and most heartfelt sympathy to the many friends and loved ones of *Karen Cronin*.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to the family of *Karen Cronin* and that a copy be made a part of the official minutes of Montgomery County, that her memory may be so honored and ever cherished.

ISSUE/PURPOSE: Adopt a resolution in commemoration of Karen Cronin.

C. **SUBJECT: RESOLUTION OF APPRECIATION
NRV PLANNING DISTRICT COMMISSION
MICHAEL W. HARVEY**

**R-FY-11-
RESOLUTION OF APPRECIATION
NRV PLANNING DISTRICT COMMISSION
MICHAEL W. HARVEY**

WHEREAS, *Michael W. Harvey* represented Montgomery County on the New River Valley Planning District Commission from February 15, 2005 through February 25, 2011; and

WHEREAS, The County recognizes the outstanding and dedicated service that ***Michael W. Harvey*** has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to ***Michael W. Harvey***.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to ***Michael W. Harvey*** and that a copy be made a part of the official Minutes of Montgomery County.

ISSUE/PURPOSE: Adopt a resolution which conveys the Board's appreciation to Michael W. Harvey for representing Montgomery County on the NRV Planning District Commission for the past six years. Due to the two-term limit, Mr. Harvey is not eligible for reappointment.

D. **SUBJECT: PROCLAMATION – TAKE BACK THE
NIGHT RALLY & MARCH**

**R-FY-11
PROCLAMATION
TAKE BACK THE NIGHT
RALLY AND MARCH**

WHEREAS, The first ***Take Back the Night*** event was held in Germany in 1973 in response to a series of sexual assaults, rapes, and murders; and

WHEREAS, Five years later in the United States, a ***Take Back the Night*** march was held in San Francisco where over 5,000 women from 30 states participated; and

WHEREAS, Since then, marches have been held throughout the U.S., Canada, Latin America, India, and Europe; and

WHEREAS, *Take Back the Night* marches have been held in Richmond and Charlottesville, and at Hollins University, Radford University, Roanoke College, and Virginia Tech; and

WHEREAS, Marchers have called attention to violence against women—sexual harassment, misogyny, rape, and murder; this violence affects both individuals in the community and the community as a whole; and

WHEREAS, The 22nd annual *Take Back the Night* Rally and March will be held Thursday, March 31, 2011 beginning at 7:00 p.m. on the Drillfield in front of the chapel at Virginia Tech to bring our community together to protest violence against women and to promote awareness of attitudes, beliefs, and behaviors which perpetuate this violence.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia supports the 22nd annual *Take Back the Night* event which is part of Women's Month 2011.

ISSUE/PURPOSE: Proclamation supporting the 22nd Annual Take Back the Night event.

JUSTIFICATION See TAB I for a copy of a letter from the Take Back the Night Committee.

XV. COUNTY ATTORNEY'S REPORT

XVI. COUNTY ADMINISTRATOR'S REPORT

XVII. BOARD MEMBERS' REPORT

1. Supervisor Creed
2. Supervisor Perkins
3. Supervisor Brown
4. Supervisor Biggs

5. Supervisor Marrs
6. Supervisor Muffo
7. Supervisor Politis

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

Adjourned Meeting
Monday, March 28, 2011
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Regular Meeting
Monday, April 11, 2011
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

TAB H

ORD-FY-11-##

AN ORDINANCE AMENDING CHAPTER 8 ENTITLED PLANNING AND DEVELOPMENT ARTICLE IV ENTITLED SUBDIVISIONS SECTIONS 8-111, 8-136, 8-137, 8-150, 8-152, 8-153, 8-171, 8-173, 8-174 RESPECTIVELY AND ARTICLE V, ENTITLED STREET NAMES; NUMBERS FOR HOUSES AND LOTS SECTION 8-201, OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA, BY AMENDING THE DEFINITION OF REMAINDER, FAMILY SUBDIVISION AND SUBDIVISION MAJOR; BY REQUIRING ADDITIONAL FEES FOR THE REVIEW OF PLATS; BY REQUIRING PLANNING COMMISSION AND BOARD OF SUPERVISOR APPROVAL OF EXTERIOR BOUNDARY LINE CHANGES THAT COULD RESULT IN ADDITIONAL LOTS; BY DECREASING THE AMOUNT OF SURETY FOR BONDING SUBDIVISION IMPROVEMENTS; BY REQUIRING VDOT REVIEW AND APPROVAL OF ANY PLAT SHOWING A PRIVATE ACCESS EASEMENT SERVING MORE THAN TWO LOTS; BY REQUIRING WHERE PRIVATE ON-SITE SEWAGE DISPOSAL SYSTEMS IN FAMILY AND MINOR SUBDIVISION MAY BE LOCATED; BY AMENDING WHEN A SUBDIVISION DOES NOT REQUIRE A SURVEY AND WHAT INFORMATION IS REQUIRED ON THE SKETCH WHICH IS PROVIDED IN LIEU OF THE SURVEY; BY INCREASING THE NUMBER OF COPIES OF A PRELIMINARY PLAT TO BE SUBMITTED AND BY ADDING ADDITIONAL INFORMATION TO BE NOTED ON PRELIMINARY AND FINAL PLATS; BY INCREASING THE TIME PERIOD A PRELIMINARY PLAT IS VALID; BY REQUIRING THE SUBMISSION OF A DIGITAL COPY OF THE FINAL PLAT; AND BY INCORPORATING THE COUNTY STREET NAMING POLICY INTO THE SUBDIVISION ORDINANCE

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 8, entitled Planning and Development, Article IV, entitled Subdivisions, Sections 8-111, 8-136, 8-137, 8-150, 8-152, 8-153, 8-171, 8-173, 8-174 respectively, and Article V entitled Street Names; Numbers For Houses and Lots, Section 8-201 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

ARTICLE IV. SUBDIVISIONS

Sec. 8-111. Definitions.

For the purposes of this article certain words and terms used herein shall be interpreted or defined as follows: Words used in the present tense include the future, words in the singular number include the plural and the plural the singular, unless the natural construction of the word indicates otherwise; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapproved"; any reference to this article includes all ordinances amending or supplementing the same; all distances and areas refer to measurement in a horizontal plane:

Agent means the representative of the board of supervisors who has been appointed to serve as the agent or coagent of the board in approving the subdivision plats.

Board or board of supervisors means the Montgomery County board of supervisors.

Bond means an undertaking by an insurance company (bonding company) licensed to do business in the state guaranteeing that a subdivider will perform certain acts as regards the construction and maintenance of required improvements.

Building setback means the minimum distance that a building must be set back from a lot line.

Commission or planning commission means the Montgomery County Planning Commission.

Construction plan means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of this article as a condition of the approval of the plat.

Cul-de-sac means a street with only one (1) outlet and having an appropriate turnaround area for a safe and convenient reverse traffic movement.

Easement. The definition of "easement" shall be deemed that recognized by law.

Engineer shall mean a professional engineer licensed for practice under Chapter 4, Title 54.1 Code of Virginia.

Escrow account means a deposit of cash or a certified check with the local government in lieu of actual construction and maintenance of required improvements as specified in this article.

Improvement means any street, street sign, drainage ditch, water line, sewer line, park or other facility.

Jurisdiction means the area or territory subject to the legislative control of a local government.

Letter of credit means an irrevocable guarantee of payment sufficient to cover the cost of constructing and maintaining required improvements, if the subdivider fails to do so.

Local government attorney means an attorney designated by the board of supervisors.

Lot means any parcel of land created by subdivision, including any parcels to be retained by the current owner.

Plat means and includes the terms "map," "plan," "plot," "replat," or "replot." A map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

Public service authority means the county public service authority.

Public sewer system or *public water system* means those public sewer systems or public water systems provided for public use.

Remainder means ~~a one~~ lot of a subdivided property that is ~~not to be offered for immediate sale and that is twenty (20)~~ **fifty (50)** acres or larger.

Right-of-way. The definition of right-of-way shall be deemed that recognized by law.

Street means a highway, street, avenue, boulevard, road, lane, alley or any way which provides ingress and egress.

Street, private means any street that is unmaintained or is maintained by a private organization or individuals.

Street, public means a street that provides unrestricted ingress and egress by the public, and which is maintained by the Virginia Department of Transportation or by a municipality.

Subdivider means any person, corporation, partnership, or other entity owning any tract, lot or parcel of land to be subdivided.

Subdivision means the division of a parcel of land into two (2) or more lots, tracts, or parcels for the purpose, whether immediate or future, of transfer of ownership or building development.

Subdivision, family, means a single division of a lot or parcel for the purpose of a sale or gift to a member of the immediate family. **For the purpose of this subsection, a member of the immediate family is defined as any person who is naturally or legally defined as offspring,**

stepchild, spouse, sibling, grandchild, grandparent, or parent, ~~(as defined by the Code of Virginia)~~ of the property owner.

Subdivision, major means any subdivision that:

- (1) Creates eleven (11) or more lots or tracts;
- (2) Requires construction of a new street; or
- (3) Requires a **new** private access easement, serving a total of four (4) or more lots or tracts.

Subdivision, minor means any subdivision consisting of ten (10) or fewer lots or tracts and which does not require construction of a new street and which does not require a private access easement serving a total of four (4) or more lots or tracts.

Surveyor means a land surveyor licensed for practice under Chapter 4, Title 54.1 Code of Virginia.

Traffic impact statement means a statement that assesses the impact of a proposed development on the transportation system and recommends improvements to lessen or negate those impacts. The traffic impact statement shall (1) identify any traffic issues associated with access from the site to the existing transportation network; (2) outline solutions to potential problems; (3) address the sufficiency of the future transportation networks and (4) present improvements to be incorporated into the proposed development. The traffic impact statement shall comply with the requirements contained in the Virginia Department of Transportation Traffic Impact Analysis Regulations, Chapter 155, 24 VAC 30-155-60. If a traffic impact statement is required, data collection shall be by the developer or owner and the developer or owner shall prepare the traffic impact statement. The developer or owner shall be responsible for paying all the applicable fees charged by VDOT.

Zoning ordinance means the zoning ordinance of the county.

Sec. 8-136. Platting fees.

There shall be a charge for the examination and approval or disapproval of every plat reviewed. **For plats requiring street naming and signage additional fees shall be charged, in accordance with Section 8-201 of the Montgomery County Code, in the amount set by ordinance of the board of supervisors.** At the time of filing the preliminary plat, the subdivider shall ~~deposit with the agent checks payable~~ **pay the required fees** to the treasurer of the county in the amount set from time to time by ~~resolution~~ **ordinance** of the board of supervisors.

Sec. 8-137. Vacation or relocation of boundary lines.

The agent may approve the relocation or vacation of boundary lines of any lot or parcel of land in a properly recorded plat of subdivision or resubdivision, provided such action does not involve the relocation or alteration of streets, alley, easements for public passage or other public areas, and provided further that no easement or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein, **or in cases where a revision is proposed to the exterior boundary lines of an approved and recorded major subdivision which could result in the creation of additional lots.**

The agent shall not use this provision to increase the total number of lots in the subdivision or resubdivision above the number originally approved under the regulations and standards of this article.

The Planning Commission shall review any subdivision plat resulting in a revision to the exterior boundary lines of an approved and recorded major subdivision, where the revision could result in the creation of additional lots. The board of supervisors shall approve with modifications or disprove such plans after a recommendation has been provided by the planning commission.

Sec. 8-150. Generally.

(a) All improvements required by the provisions of this article for a subdivision as platted shall be installed thereon and therein at the expense of the subdivider, his successors and assigns, and pending such installation thereof and acceptance thereof for the purpose of maintenance by a governmental entity, the subdivider, his successors and assigns shall furnish, prior to approval of the final plat, an irrevocable and continuing bond, escrow account or letter of credit in an amount approved by the agent, equal to one hundred ~~twenty five (125)~~ **ten (110)** percent of the estimated costs of such improvements calculated pursuant to all applicable standards, with corporate surety with a company authorized to do business in the state or other equivalent security acceptable to the agent guaranteeing that the required improvements will be properly completed and maintained as required by this article. This amount is intended to cover the estimated cost of construction and administrative costs to the county. In lieu of posting a bond, escrow account or letter of credit to cover construction costs, the subdivider may construct required improvements prior to approval of the final plat. A bond for maintenance costs may still be required.

(b) The subdivider shall provide an estimate of the total costs of necessary improvements, certified by a licensed engineer. If the subdivider's bond, escrow account or letter of credit is to be renewed for an additional period of time, the agent may require a new estimate certified by a licensed engineer.

(c) In cases where specifications have been established by local ordinances and codes, such specifications shall be followed. The subdivider's bond, escrow account or letter of credit shall not be released until construction has been inspected and approved by the agent and/or the county engineer. Any improvements intended for ownership and maintenance by an agency or public utility must have been approved and accepted by the appropriate agency or public utility prior to the release. A partial release may be granted as provided for under section 8-188.

Sec. 8-152. New streets.

(a) *Public streets.* New public streets are permitted in all subdivisions. Public streets shall be designed and constructed in accordance with the minimum standards of the Virginia Department of Transportation, except that the surface pavement layer shall be asphalt concrete. All site related improvements required by VDOT or the county for vehicular ingress and egress, including but not limited to traffic signalization and control shall also be designed and constructed in accordance with the minimum standards of Virginia Department of Transportation. Street construction plans must be approved by the Virginia Department of Transportation prior to approval of the final plat.

(b) *Private streets.* In order to promote efficient utilization of land, or to reduce the number of access points to public streets, the board of supervisors may permit construction of private streets so long as such streets are not likely to inhibit future development of adjacent land. Private streets may be permitted in the following types of developments:

(1) *Commercial or industrial developments.* Approval will be based upon review of an access plan that shall include construction specifications, as well as a maintenance plan or agreement.

(2) *Townhouse developments.* Streets shall be surfaced with bituminous concrete. Approval will be based upon review of an access plan that shall include construction and pavement specifications, as well as a maintenance plan or agreement.

(3) *Single-family housing developments.* Private streets may be permitted only if the subdivision has a median lot size of three (3) acres or greater, and a length of street per lot ratio of one hundred fifty (150) feet per lot or greater. Such streets shall have a maximum grade of eighteen (18) percent and a minimum width of all-weather surface or pavement of eighteen (18) feet. Approval will be based upon review of an access plan that shall include construction specifications, as well as a maintenance plan or agreement.

(bb) *Private access easements.* Private access easements at least forty (40) [feet] in width providing ingress and egress to a dedicated recorded public street may be permitted in the Agricultural A-1 zoning district and private access easements at least twenty (20) feet in width providing ingress and egress to a dedicated recorded public street may be permitted to serve a family subdivision subject to the following:

(1) Any private access easements serving a total of three (3) or less lots or tracts shall be constructed with an all-weather surface.

(2) Any private access easements serving a total of four (4) or more lots or tracts shall be reviewed and constructed in accordance with the provisions of this article for private streets in single-family housing developments.

(3) Any plat showing a private access easements serving more than two (2) lots or tracts shall be reviewed and signed, by the Virginia Department of Transportation prior to the approval of the final plat.

(bbb) *[Ingress and egress.]* Any and all streets and private access easements providing ingress and egress that are not constructed to meet the standards necessary for inclusion in the system of state highways shall be privately maintained and shall not be eligible for acceptance into the system of state highways unless improved to current department of transportation standards with funds other than those appropriated by the general assembly and allocated by the commonwealth transportation board. A note shall be placed on all plats and deeds of subdivisions when a subdivision is served by a private street and/or a private access easement advising that the streets and access easements are not eligible for maintenance or improvements with funds allocated by either the General Assembly of Virginia or the commonwealth transportation board as required by section 8-173 and 8-174.

(c) *Cul-de-sac.* Dead-end streets shall have cul-de-sac-type turnarounds at their ends, with radius equal to the right-of-way width. Dead-end streets shall serve no more than thirty-five (35) dwelling units, unless the board of supervisors determines that terrain or other factors dictate otherwise.

(d) *Access.* New subdivisions shall have access to a street dedicated to the public or to a street shown upon a plat approved by the agent and recorded in the office of the clerk of the appropriate court.

(e) *Street identification signs.* Street identification signs of a design approved by the agent shall be installed at all intersections by the subdivider.

(f) *Reserve strips.* There shall be no reserve strips controlling access to streets.

(g) *Alignment and layout.* The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangements must be such as to cause no unnecessary hardship to owners of adjoining property when they plat and seek to provide for convenient access to their own land. Where, in the opinion of the board of

supervisors, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision are not to be permitted. Streets shall be related appropriately to the topography. Whenever possible, streets should intersect at right angles.

(h) *Traffic Impact Statement.* The subdivider shall submit with its request for a subdivision a traffic impact statement when the proposed development substantially affects transportation on state-controlled highways as defined by the Virginia Department of Transportation Traffic Impact Analysis Regulations Chapter 155, 24 VAC 30-155, et seq. The data and analysis contained in the traffic impact statement shall be acceptable to VDOT and comply with VDOT Traffic Impact Analysis Regulations 24 VAC 30-155-60 and this article. The subdivider shall submit to the agent three (3) copies of the traffic impact statement and a check made payable to VDOT to cover the review fees charged by VDOT to review the traffic impact statement. The agent shall forward the traffic impact statement along with the review fees provided by the subdivider to VDOT within ten (10) business days of receipt of a complete subdivision proposal.

Sec. 8-153. Water and sewage facilities.

(a) If the boundary of the subdivision lies within two hundred (200) feet of a public water or public sewer system, the subdivider shall make the necessary improvements to connect all lots to such systems; provided that any necessary easements can be secured either by the subdivider or the utility, and that the public utility has the capacity needed to serve the subdivision. The board of supervisors may permit an exception to this requirement if connection to a public system can only be achieved by crossing a highway, railway, or stream or by connection to a force main sewer line. If the subdivider intends to provide a private water system or private sewer system, the subdivider shall submit construction plans and specifications therefore, and such shall be subject to the bond and other security provisions guaranteeing construction and maintenance provided elsewhere in this article. All construction plans must be approved by the appropriate agency prior to the approval of the final plat.

(b) If there are no plans to extend public sewer or approved private sewer to the subdivision, the agent or the board of supervisors shall not approve the final plat until the subdivider provides a written statement from the health department certifying the suitability of the subdivision for private on-site sewage disposal systems. Such certification shall state that soil evaluations have been performed and that each lot to be served by a private on-site sewage disposal system meets health department requirements for such a system. The following types of lots are exempt from this requirement:

- (1) Remainders, as defined in this article;
- (2) Lots intended to contain only an existing structure with an existing approved septic system; and
- (3) Lots that are to be used only for special purposes that do not require human presence, such as power substations, radio towers, pump stations, etc. A note shall be included on the plat to specify the use of such a lot and to state that it is not approved for construction of any occupied structure.

~~(bb)~~(c) When private on-site sewage disposal systems are used in major subdivisions, each private system shall be located either within the lot it intends to serve or within green space set aside under compact development option of the zoning ordinance.

(cc) When private on-site sewage disposal systems are used in family or minor subdivisions, each system shall be located within the lot it intends to serve, within green space set aside

under compact development option of the zoning ordinance, or shall have deeded access for the purpose of maintaining the sewage disposal system.

(e) **(d)** Within flood prone areas all public water systems and public sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec. 8-171. Generally.

(a) All preliminary and final plats shall be approved or disapproved by the agent, the planning commission, or the board of supervisors in accordance with the provisions of § 15.2-2258 **and 2259** of the Code of Virginia. In the event that approval of a feature or features of a plat by a state agency is necessary, the agent shall forward the subdivision submission within ten (10) business days of receipt of a completed submission and applicable VDOT fees to the appropriate state agency or agencies for review. Requirements for review including time limitations shall be in accordance with the provisions of § 15.2-2222.1 and § 15.2-2260 of the Code of Virginia, as applicable. Upon approval of a final plat, the agent or the chairman of the board of supervisors and the chairman of the planning commission shall sign the plat before it is recorded.

(b) All plats and surveys shall conform to the standards and procedures for land boundary surveying, as adopted by the board for architects, professional engineers, land surveyors and landscape architects, pursuant to the Code of Virginia.

(c) A survey of the land to be subdivided, showing the number, area, and dimensions of all lots, is required for all subdivisions except that in subdivisions where one (1) lot of **fifty (50)** ~~twenty (20)~~ acres or larger is not to be immediately conveyed, that one (1) tract shall be considered a "remainder" and need not be included in the survey. However, a sketch map showing the approximate boundaries of the entire property, including the remainder, shall be recorded with the required plat. The sketch map shall have sufficient detail to show ~~that the remainder meets minimum road frontage requirements and shall also give the approximate acreage of the remainder~~ **the following:**

1. **That the remainder meets the minimum road frontage requirements for the zoning district.**
2. **The approximate acreage of the remainder parcel.**
3. **The delineation of any existing and proposed easements and rights-of-way.**
4. **The location of existing septic drainfields and reserve areas and private well locations, located by a licensed surveyor.**
5. **The location of existing buildings within 50 feet of any new boundary line.**

Sec. 8-173. Preliminary plat, major subdivisions.

(a) The subdivider shall submit **fifteen (15)** ~~three (3)~~ copies of a preliminary plat to the agent. Preliminary plats must be drawn to scale and shall contain the following items:

(1) When the parcel to be subdivided is located within a previously platted subdivision, the name of such subdivision. When the property is not located within a previously platted subdivision, either the proposed name of the subdivision or the locally known name of the property.

(2) The name and address of the legal owner, date of purchase, previous owner and, if the deed is recorded, deed book and page number and plat book and page number. If the subdivider is other than the owner, the name and address of the subdivider shall also be given. When the legal

owner or the subdivider is a corporation, then the name and address of the chief officer of the corporation shall also be given.

(3) The name and address of any surveyor, engineer or other professional involved in the plat design and preparation.

(4) Delineation of any existing and proposed easements and rights-of-way affecting the use of the property.

(5) The location of the proposed subdivision by an inset map at a scale of not less than two (2) inches equal one (1) mile, showing adjoining roads, their names and numbers, towns, subdivisions, true north arrow and other landmarks.

(6) Location of the property by tax parcel map number, parcel ID number, zoning district magisterial district, north arrow, with source of meridian, date of drawing, number of sheets and graphic scale.

(7) Location and dimensions of property lines, location of building setback lines, total acreage, acreage of subdivided area, acreage of dedicated right-of-ways, number and approximate area and frontage of all lots, existing buildings within the boundaries of the tract and names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.

(8) All existing, platted and proposed streets, their names, numbers and widths; existing utility or other easements; public areas; culverts, drains and watercourses and their names; and other pertinent data.

(9) All parcels of land to be dedicated for public use and the conditions of such dedication.

(10) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.

(11) Provisions for collection and discharging surface drainage.

(12) Location of any lot to be designated as a remainder, as defined in this article.

(13) Any additional data deemed necessary by the agent, such as topography.

(14) Table listing acreage and frontage for each lot.

(15) Table of assignment of lots under sliding scale, if applicable.

(16) Location of lands within the one hundred-year floodplain and base flood elevations when required.

(17) Location of any grave, object or structure marking a place of burial.

(18) Street names and addresses of lots assigned by the County.

(19) Whenever a lot or tract involved in a subdivision is within an agricultural and forestal district a note shall be placed on the plat and on the deeds of subdivision stating "The property depicted hereon lies within an agricultural and forestal district and shall abide by the requirements set forth in section 2-41 of the Montgomery County Code. This property is not eligible for subdivision until (district renewal date), and shall only be eligible for division if the lot or tract is removed in accordance with Montgomery County Code."

(20) Whenever a lot or tract involved in a subdivision is within a conservation easement, a notation shall be placed on the plat identifying the lots or tracts affected.

(21) Whenever a lot or tract involved in a subdivision is within the dam inundation zone, a notation shall be placed on the plat identifying the lots or tracts affected.

(22) Location of all drainage easements, utility easements, sewer lines, water lines, gas lines, power lines, manholes, or fire hydrants.

(23) Whenever a lot or tract involved in a subdivision has a Special Use Permit, Rezoning, or Variance associated a notation shall be placed on the plat identifying the lots or

tracts affected. The notation shall provide the date of approval for the Special Use Permit, Rezoning, or Variance with any applicable proffers or conditions listed on the plat.

~~(18)~~ (24) Whenever a subdivision is to be served by private streets or private access easements a note shall be placed on the plat and on the deeds of subdivision stating "The streets and/or private access easements in this subdivision do not meet the standards necessary for inclusion in the system of state highways and shall not be maintained by the department of transportation or the County of Montgomery and are not eligible for rural addition funds or any other funds appropriated by the General Assembly of Virginia and allocated by the commonwealth transportation board".

(b) The agent shall make a recommendation to the planning commission concerning approval or disapproval of the preliminary plat. The commission shall then approve or disapprove the preliminary plat.

(c) The commission shall advise the subdivider in writing of approval or disapproval of the preliminary plat. In the case of disapproval, the commission shall state the reasons for disapproval and notify the subdivider of all changes needed to make the plat acceptable. Approval by the commission of the preliminary plat does not constitute a guarantee of approval of the final plat.

(d) The subdivider shall submit a final plat within ~~one (1)~~ **five (5)** years of the approval of a preliminary plat. Failure to do so shall make the preliminary plat null and void. The commission may, on written request from the subdivider, grant an extension of this time limit.

(e) The approval of a preliminary plat is valid for five (5) years provided a final subdivision plat for all or a portion of the property is submitted and diligently pursued. The five year period shall be based upon the date of the last recorded plat.

Sec. 8-174. Final plat, minor subdivisions and family subdivisions.

(a) The subdivider shall submit two (2) copies of a final plat to the agent **along with a digital copy in a format approved by the Agent.**

Each plat shall contain the following items:

(1) All certifications required by section 8-134;

(2) A note identifying the plat as either a minor subdivision or a family subdivision;

(3) Location of all existing easements and any new easements required under the provisions of this article;

(4) Location of approved septic drainfields and reserve areas **and private wells, located by a licensed surveyor.** Location of existing dwellings and their septic drainfields and reserve areas;

(5) Any additional data deemed necessary by the agent, such as topography;

(6) A space for the agent to sign the plat.

(7) Table of assignment of lots under sliding scale, if applicable.

(8) Location of lands within the one hundred-year floodplain.

(9) Location of any grave, object or structure marking a place of burial.

(10) Street names and addresses of lots assigned by the County.

(11) Whenever a lot or tract involved in a subdivision is within an agricultural and forestal district a note shall be placed on the plat and on the deeds of subdivision stating "The property depicted hereon lies within an agricultural and forestal district and shall abide by the requirements set forth the Montgomery County Code. This property is

not eligible for subdivision until (district renewal date), and shall only be eligible for division if the lot or tract is removed in accordance with Montgomery County Code."

(12) Whenever a lot or tract involved in a subdivision is within a conservation easement, a notation shall be placed on the plat identifying the lots or tracts affected.

(13) Whenever a lot or tract involved in a subdivision is within the dam inundation zone, a notation shall be placed on the plat identifying the lots or tracts affected.

(14) Location of all drainage easements, utility easements, sewer lines, water lines, gas lines, power lines, manholes, or fire hydrants.

(15) Whenever a lot or tract involved in a subdivision has a Special Use Permit, Rezoning, or Variance associated a notation shall be placed on the plat identifying the lots or tracts affected. The notation shall provide the date of approval for the Special Use Permit, Rezoning, or Variance with any applicable proffers or conditions listed on the plat.

~~(10)~~ **(16)** Whenever a subdivision is to be served by private streets or private access easements a note shall be placed on the plat and on the deeds of subdivision stating "The streets and/or private access easements in this subdivision do not meet the standards necessary for inclusion in the system of state highways and shall not be maintained by the department of transportation or the County of Montgomery and are not eligible for rural addition funds or any other funds appropriated by the General Assembly of Virginia and allocated by the commonwealth transportation board".

(aa) If a proposed subdivision is using the family exemption provision, in addition to the above requirements, the following must also be included:

(1) A note stating "Approval of this subdivision is subject to the condition that the parcel subdivided can only be conveyed to a member of the immediate family as set forth in Montgomery County's Subdivision Ordinance, as amended, and the Code of Virginia, as amended. Conveyance to any other person or entity not an immediate family member voids approval. This restriction does not apply to subsequent reconveyance".

(2) Signed affidavits that are available in the county planning department stating that the family subdivision is for the passing of real property interest from one family member to another, rather than for the purpose of short-term investment.

(3) A copy of the proposed deed(s) conveying the property from one family member to the other.

(4) A description of the family relationship in the consent statement or the following shown and notarized on the plat: "I _____, do hereby verify that _____ is my legal _____. New tract _____ is being conveyed to _____."

(b) When all requirements of this article have been met, the agent shall sign the plat to indicate that it is approved for recordation.

(c) It shall be the responsibility of the subdivider to file the approved final plat with the office of the clerk of the appropriate court within six (6) months after final approval; otherwise, the agent shall mark such plat "void" and notify the office of the clerk of the appropriate court. At the same time of filing of the final plat, the subdivider shall record the agreement of dedication and such other legal documents as the local government attorney requires to be recorded.

Sec. 8-201. Street names.

(a) All street names within the unincorporated areas of the county shall be approved by the board of supervisors. Proposed streets, which are obviously a continuation of other existing and

named streets, shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing names, irrespective of the use of the suffix "street," "avenue," "boulevard," "driveway," "place," "lane" or "court." Street names shall be indicated on all plats of survey. Names of existing streets shall not be changed except by approval by the board of supervisors.

(b) The names of the streets as shown on the official map of Montgomery County, as adopted by the board of supervisors, shall be the true names of the streets within the county.

(c) County initiated street names:

When the county becomes aware (through building permits or other information) that an unnamed street has three or more active residences or businesses on it, then the county shall advise the residences/businesses in writing that they may petition the board of supervisors to name their street. If the residences/businesses do not initiate a petition at this time, then the county may elect to wait until six or more residences are on the unnamed street. When the county becomes aware that an unnamed street has six or more residences on it, the the board of supervisors shall approve a street name and advise residents/businesses of their new address. Under county initiated street names, the cost of the streets signs and mapping changes shall be borne by the county.

(d) Citizen initiated street names:

Persons wishing to change an existing street name or persons wishing to name a street with less than three residences/businesses on it must provide the following to the county:

- 1. Petition signed by all residences/businesses on the street or if there are no residences/businesses on the street, then a petition signed by all abutting property owners.**
- 2. Payment in the amount set by resolution of the board of supervisors.**

The board of supervisors shall then consider and act on such petitions provided the name requested does not conflict with county policy.

Under citizen initiated street names, the cost of the street signs and mapping changes shall be borne by the persons requesting the change.

(e) New subdivisions:

New street names in subdivisions shall be approved by the board of supervisors as part of the final plat approval process. Prior to signing the final plat, the subdivision shall pay the county an amount set by the board of supervisors per intersection where a street sign will be erected.

With new subdivisions, the cost of the street signs and mapping changes shall be borne by the subdivider.

(f) Reserved street names

Where a street has not been named because it has less than three residences/businesses on it, but it is anticipated that it will have more residences/businesses in the new future, then a; petition may be presented to the county signed by all residences/businesses on the street, then the petition shall be signed by all abutting property owners requesting that a particular name be reserved.

If the requested street does not conflict with county policy, then the name may be reserved by the board of supervisors for a period of up to one year. Extension of the street name reservation beyond the initial time period shall require a new board action.